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Attorneys for Defendants

DIOMED HOLDINGS, INC AND DIOMED, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES,  
INC.,

Plaintiff,

vs.

DIOMED HOLDINGS, INC., DIOMED,  
INC., ANGIODYNAMICS, INC, and  
VASCULAR SOLUTIONS, INC.

Defendants.

Case No. C05-02972 MMC (JL)

**[PROPOSED] ORDER DENYING  
PLAINTIFF'S MOTION PURSUANT TO  
CIVIL L.R. 6-3 TO SHORTEN TIME FOR  
THE COURT TO HEAR PLAINTIFF'S  
MOTION *IN LIMINE* TO EXCLUDE  
EXPERT TRIAL TESTIMONY OF J.  
KEVIN MCGRAW ON OPINIONS NOT  
CONTAINED IN HIS EXPERT REPORT  
(D.I. # 342-344)**

Judge: Hon. Maxine M. Chesney

AND RELATED COUNTERCLAIMS

[PROPOSED] ORDER DENYING PLAINTIFF'S  
MOTION TO SHORTEN TIME FOR PLAINTIFF'S  
MOTION IN LIMINE TO EXCLUDE MCGRAW  
TESTIMONY – CASE NO. C05-2972 MMC

1 Plaintiff VNUS Medical Technologies, Inc. ("VNUS") has moved pursuant to Civil Local  
2 Rule 6-3 for an order shortening the time for the Court to hear Plaintiff's Motion In Limine To  
3 Exclude Expert Trial Testimony of J. Kevin McGraw on Opinions Not Contained in His Expert  
4 Report (D.I. # 342-344) (VNUS's Motion in Limine ) filed on September 13, 2007. Good cause  
5 having not been shown, VNUS's motion is denied. Pursuant to the Court's Pretrial Preparation  
6 Order of February 15, 2006, oppositions to motions in limine are due no later than five Court days  
7 prior to the pretrial conference. Diomed's opposition is therefore due no later than October 9,  
8 2007. The subject Motion in Limine will be heard at the scheduled Pretrial Conference.

11 IT IS SO ORDERED.

12 Dated: September 25, 2007



13 MAXINE M. CHESNEY  
14 United States District Judge